

### **REMARKS/ARGUMENTS**

The Office Action of February 17, 2006 has been carefully reviewed and these remarks are responsive thereto. No claims have been amended, no claims have been cancelled, and no new claims have been added. Claims 1-55 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 103(a)***

Claims 1-2, 10-11, 17-18, 24-25, 31-32, 36-37, and 43-55 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Appl. Publ. No. US 2004/0148434 A1 to Matsubara (*Matsubara*) in view of “A Case for Associative Peer to Peer Overlays” of Cohen et al. (*Cohen*). Claims 3-4, 8-9, 12, 15-16, 19, 22-23, 26, 29-30, 33, and 38-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Matsubara* in view of *Cohen*, and further in view of U.S. Patent Appl. Publ. No. US 2003/0225796 A1 to Matsubara (*M’796*). Claims 5-7, 13-14, 20-21, 27-28, 34-35, and 40-42 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Matsubara* in view of *Cohen*, and further in view of U.S. Patent Appl. Publ. No. US 2003/02356847 A1 to Benowitz et al. (*Benowitz*).

#### **Matsubara and Cohen Do Not Teach Sharing Items Based on the Results of a Query**

Claim 1 recites a method including, “executing on the sharer’s computer a query,” “creating on the sharer’s computer a list with a plurality of referenced items based on the results of said query,” and “sharing the list.” *Matsubara* and *Cohen* each disclose peer-to-peer (P2P) file-sharing networks, either having a centralized index and architecture (e.g., Napster) or having a completely decentralized architecture (e.g., Gnutella). *Matsubara*, paragraphs 0030, 0055. *Cohen*, Abstract; Introduction, page 95. In either system, the sharee may query the index (stored either on the central server or on the sharer peer’s computer) to discover what files *have already been shared* and gain access to those files. However, in all such systems, the sharing of the files by the sharer is not “based on the results of said query,” as recited in claim 1. In *Matsubara* and *Cohen*, determining the list of files to be shared by the sharer has nothing to do with the query. Rather, sharers simply designate one or more items to share, and the sharee subsequently issues a

query to search for those *already shared items*. Thus, neither *Matsubara*, nor *Cohen*, nor the combination of the two, teaches or suggests sharing items “based on the results of said query,” as recited in claim 1.

Since each independent claim in the present application (1, 10, 17, 24, 31, and 36) similarly recites sharing items based on a query, each independent claim is similarly not obvious over the alleged combination of *Matsubara* and *Cohen*. Therefore, Applicants submit that these claims, and their respective dependent claims, are allowable under 103(a) over the cited references for at least this reason.

The dependent claims are further allowable based on the addition features recited therein, for example, as further argued below.

#### Benowitz Does Not Teach Dynamic Lists

Claim 5, for example, recites “wherein the list is a dynamic list.” Neither *Matsubara*, *Cohen*, or *Benowitz*, teaches or suggests using a dynamic list to share items. Indeed none of these references even contains the term “dynamic list” or discloses a similar concept. The office action correctly notes that “Matsubara and Cohen do not teach a dynamic list,” but then goes on to say, “Benowitz teaches email address list or address book or dynamic email address (a non-file item list).” Office Action, page 21. Applicants disagree that the dynamic email addresses of *Benowitz* teach or suggest a “dynamic list,” as recited by claim 5. *Benowitz* explains dynamic email addresses in paragraph 0018:

[T]he authorization code is at least part of the email address of the recipient. Thus, for example, the recipient may provide authorization codes to various potential senders with instructions to insert the code into the email address of the recipient...This creates a dynamic email address for the recipient that can be altered at any time by the recipient to effectively control incoming email. This is a particularly useful way to control incoming email since embedding the code in the actual email address of the user allows CAS to be used with all existing email systems. The authorization codes may be transferred, conveyed or provided to a potential sender via various methods. (Emphasis added)

Thus, dynamic email addresses merely purport to be an anti-spam technique involving embedding an authorization code into a recipient's email address. Dynamic lists are an entirely distinct concept, discussed at length in the specification of the present application. For example:

If any items in the dynamic list have their properties changed such that they no longer meet the criteria of the dynamic list, then these items are appropriately re-permissioned. In the same way, if any items that do not belong to the dynamic list change such that they fall into the scope and meet the criteria of the dynamic list, they are also re-permissioned to grant access to the users with which the dynamic list is shared.

Specification, page 4, line 22 to page 5, line 2. Thus, since neither *Matsubara, Cohen*, or *Benowitz* teach or suggest a "dynamic list," as recited in claim 5, this claim is not obvious under 35 U.S.C. § 103(a) in view of the cited references. Claims 6-7, 13-14, 20-21, 27-28, 32-33, and 40-42 also recite a "dynamic list," either directly or indirectly based on their dependence from another claim, and therefore are also not obvious under 35 U.S.C. § 103(a) in view of *Matsubara, Cohen*, and *Benowitz*.

**CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3155.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Dated this 17 day of April, 2006.

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